IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 5TH MARCH 2007 / 14TH PHALGUNA 1928

WP(C).No. 5520 of 2007(F)

PETITIONER:

GEETHA K.PILLAI, W/O. R.V.BABU,
KANNAN KAVUNKAL, KADAYANIKADU P.O., KOTTAYAM
(HIGH SCHOOL ASSISTANT (MATHS), DEVASWOM BOARD
HIGHER SECONDARY SCHOOL, CHERIYANADU).

BY ADV. SRI.S.SUBHASH CHAND

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF GENERAL EDUCATION, GOVT.SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM.

3. THE DISTRICT EDUCATIONAL OFFICER,
OFFICE OF THE DISTRICT EDUCATIONAL OFFICER,
KUTTANADU, RAMANKERI, ALAPPUZHA.

4. THE DISTRICT EDUCATIONAL OFFICER,
OFFICE OF THE DISTRICT EDUCATIONAL OFFICER,
MAVELIKARA.

5. THE CORPORATE MANAGER,
TRAVANCORE DEVASWOM BOARD SCHOOLS/SECRETARY,
TRAVANCORE DEVASWOM BOARD,OFFICE OF THE TRAVANCORE
DEVASWOM BOARD, DEVASWOM BUILDING, NANTHANCODE,
THIRUVANANTHAPURAM.

6. THE DEPUTY DIRECTOR (EDUCATION),
OFFICE OF THE DEPUTY DIRECTOR (EDUCATION),
ALAPPUZHA.

R5 BY ADV. SRI.K.N.VENUGOPALA PANICKER, SC, TDB
R1 TO R4 & R6 BY GOVT. PLEADER SRI. A.J. VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.5520 OF 2007

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Dated this the 5th day of March, 2007

JUDGMENT

Case of the petitioner is as follows:

Petitioner had continuous service as HSA (Maths) as per Ext.P1. She was drawing salary and allowances from 5.6.2000. Alleging reduction of posts consequent to division fall, respondent No.5 reverted her to the post of UPSA as per Ext.P2. Ext.P2 being in violation of Rule 41 Chapter XIVA KER, it was challenged. By Ext.P3 respondent No.1 categorically found that reversion of the petitioner was not in order. Government ordered that reversion of the petitioner from 16.7.2005 to 17.10.2005 is to be set aside and she is deemed to have been retained as HSA (Maths) and her pay be regularised accordingly. Complaint is that it is despite Ext.P3 order being passed, the third respondent had not so far regularised the service and disbursed the salary and allowances to the petitioner. The petitioner has been denied of salary with effect from 16.7.2005 till date. It is submitted by the learned counsel for the petitioner that petitioner was again appointed on 17.10.2005 as HSA (Maths) in Devaswom Board Higher Secondary

School, Cheriyanadu under the jurisdiction of respondent No.4 and even that is also not regularised and consequently petitioner is not getting salary even as on today.

2. Learned Government Pleader would submit that in fact there is no consequential action on the part of the Manager and that has disabled the DEO from giving effect to Ext.P3.

3. Counsel for the petitioner contended that there is no merit in the said contention having regard to the specific direction that petitioner is deemed to have been retained during the period and her pay be regularised accordingly. He would contend that no further action is contemplated on the part of the Manager.

Having regard to all facts the writ petition is disposed of as follows:

Petitioner or her representative and respondent No.5 or his representative shall be present before the third respondent on 19.3.2007 at 11 a.m., and the third respondent will proceed to consider and pass orders on Ext.P6 in accordance with law after hearing them within a period of two weeks from 19.3.2007. The petitioner or her

representative and respondent No.5 or his representative shall also be present before the fourth respondent on 20.3.2007 at 11.a.m., and the fourth respondent will also proceed to consider and pass orders on Ext.P6 in accordance with law after hearing them within a period of two weeks from 20.3.2007. No notice need be given to the petitioner or the fifth respondent in view of the above direction. Needless to say, it will be open to the petitioner to point out that in the nature of the direction contained in Ext.P3 no action on the part of the Manager is warranted. If any benefits are found due, it shall be disbursed to the petitioner within a period of one month from the date of the finding that the petitioner is entitled to the same.

(K.M. JOSEPH, JUDGE)

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K.M.JOSEPH, JJ.

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W.A. No. OF

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JUDGMENT

Dated this the day of February, 2006.